

**REMARKS**

Claims 1-17 are pending in this application. Claims 1-13, 16, and 17 stand rejected and claims 14-15 are withdrawn from consideration. Claims 1, 4, 6, 8-10, 16, and 17 have been amended.

Claims 1-13, 16, and 17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1, 10, and 16 have been amended to obviate the Office Action's rejection. Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Claims 1-13, 16, and 17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,919,235 ("Yamazaki"). This rejection is respectfully traversed.

Claim 1, as amended, recites, inter alia, "a plurality of metal wiring layers spaced apart from each other and arranged in a vertical stack, and a plurality of metal via layers connected to the metal wiring layers and coupling the metal wiring layers with each other, wherein the metal wiring layers are arranged such that they may not transmit a signal to another element of the semiconductor integrated circuit device that is arranged in the same horizontal plane as the heat conduction part." Yamazaki does not disclose this limitation.

The Office Action issued September 21, 2005 cites the "black mask 609" shown by Yamazaki in FIG. 9 as being a heat conduction part. However, the black mask 609 of Yamazaki is produced by forming and patterning a metallic film (column

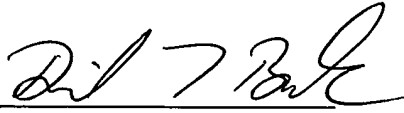
14, lines 59-62). This manufacturing process results in a black mask 609 made up of a metallic film formed as one solid layer and conforming to the shape of the second interlayer insulating film 607 (Fig. 9, No. 607; column 11, line 25). Therefore, because the black mask 609 is a metallic film formed as one solid layer, it is necessarily made up of only one layer of metal and cannot be construed to "include a plurality of metal wiring layers spaced apart from each other and arranged in a vertical stack" as recited by claim 1. Furthermore, because the black mask 609 is one layer of metal, it does not include "a plurality of metal via layers connected to the metal wiring layers and coupling the metal wiring layers with each other" as is recited by claim 1.

Independent claims 10 and 16 contain limitations similar to claim 1 and are allowable at least for reasons similar to those discussed with regard to claim 1. Since Yamazaki does not disclose all the limitations of claims 1, 10, and 16, claims 1, 10, and 16 are not anticipated by Yamazaki. Claims 2-9 depend from claim 1 and are patentable at least for the reasons mentioned above. Claims 11-13 depend from claim 10 and are patentable at least for the reasons mentioned above. Claim 17 depends from claim 16 and is patentable at least for the reasons mentioned above. Applicants respectfully request that the 35 U.S.C. § 102(e) rejection of claims 1-13, 16, and 17 be withdrawn.

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance.

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